

**Missouri State Law
Ann. MO Stat. (Vernon's)**

**Firearms, Components, Ammunition,
Legislation Preemption By General Assembly**

21.750. Firearms legislation preemption by general assembly, exceptions.

1. The general assembly hereby occupies and preempts the entire field of legislation touching in any way firearms, components, ammunition and supplies to the complete exclusion of any order, ordinances or regulation by any political subdivision of this state. Any existing or future orders, ordinances or regulations in this field are hereby and shall be null and void except as provided in subsection 3 of this section.

2. No county, city, town, village, municipality, or other political subdivision of this state shall adopt any order, ordinance or regulation concerning in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permit, registration, taxation other than sales and compensating use taxes or other controls on firearms, components, ammunition, and supplies except as provided in subsection 3 of this section.

3. Nothing contained in this section shall prohibit any ordinance of any political subdivision which conforms exactly with any of the provisions of sections 571.010 to 571.070, RSMo, with appropriate penalty provisions, or which regulates the open carrying of firearms readily capable of lethal use or the discharge of firearms within a jurisdiction. This section shall take effect on January 1, 1985.

Chapter 571. Weapons Offenses

571.010. Definitions. As used in this chapter: * * * *

(2) "Concealable firearm" means any firearm with a barrel less than sixteen inches in length, measured from the face of the bolt or standing breech;

(3) "Deface" means to alter or destroy the manufacturer's or importer's serial number or any other distinguishing number or identification mark;

(4) "Explosive weapon" means any explosive, incendiary, or poison gas bomb or similar device designed or adapted for the purpose of inflicting death, serious physical injury, or substantial property damage; or any device designed or adapted for delivering or shooting such a weapon;

(5) "Firearm" means any weapon that is designed or adapted to expel a projectile by the action of an explosive;

(6) "Firearm silencer" means any instrument, attachment, or appliance that is designed or adapted to muffle the noise made by the firing of any firearm; * * *

(8) "Intoxicated" means substantially impaired mental or physical capacity resulting from introduction of any substance into the body; * * * *

(11) "Machinegun" means any firearm that is capable of firing more than one shot automatically, without manual reloading, by a single function of the trigger; * * * *

(13) "Rifle" means any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled bore by a single function of the trig-

ger;

(14) **"Short barrel"** means a barrel length of less than sixteen inches for a rifle and eighteen inches for a shotgun, both measured from the face of the bolt or standing breech, or an overall rifle or shotgun length of less than twenty-six inches;

(15) **"Shotgun"** means any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire a number of shot or a single projectile through a smooth bore barrel by a single function of the trigger;

(16) **"Spring gun"** means any fused, timed or nonmanually controlled trap or device designed or adapted to set off an explosion for the purpose of inflicting serious physical injury or death. * * * *

571.020. Possession - manufacture - transport - repair - sale of certain weapons a crime - exceptions - penalties.

1. A person commits a crime if he knowingly possesses, manufactures, transports, repairs, or sells:

(1) An explosive weapon;

(2) A machinegun;

(3) A gas gun;

(4) A short barreled rifle or shotgun;

(5) A firearm silencer; * * * *

(7) A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; or * * * *

2. A person does not commit a crime under this section if his conduct:

(1) Was incident to the performance of official duty by the armed forces, national guard, a governmental law enforcement agency, or a penal institution; or

(2) Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in subdivision (1) of this section; or

(3) Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise; or

(4) Was incident to displaying the weapon in a public museum or exhibition; or

(5) Was incident to dealing with the weapon solely as a curio, ornament, or keepsake, or to using it in a manner reasonably related to a lawful dramatic performance; but if the weapon is a type described in subdivision (1), (3) or (5) of subsection 1 of this section it must be in such a nonfunctioning condition that it cannot readily be made operable. No short barreled rifle, short barreled shotgun, or machinegun may be possessed, manufactured, transported, repaired or sold as a curio, ornament, or keepsake, unless such person is an importer, manufacturer, dealer, or collector licensed by the Secretary of the Treasury pursuant to the Gun Control Act of 1968, U.S.C., Title 18, or unless such firearm is an **"antique firearm"** as defined in subsection 3 of section 571.080, or unless such firearm has been designated a "collectors item" by the Secretary of the Treasury pursuant to the U.S.C., Title 26, Section 5845(a).

3. A crime under subdivision (1), (2), (3), (4) or (5) of subsection 1 of this section is a class C felony; a crime under subdivision (6), (7) or (8) of subsection 1 of this section is class A misdemeanor.

Publisher's Notes:

1. So long as a dealer is regularly engaged in business with appropriate agencies, possession of an inventory would be "incident to" business dealings even when there is no outstanding purchase order (§ 571.020.2(2)). MO advisory, 8-19-81

2. Missouri law prohibits the possession of a firearm silencer by a properly licensed dealer unless that dealer seeks to possess the device to demonstrate it to a legal purchaser who has made a bona fide request to see the device....The law clearly prohibits possession of a silencer unless it is incident to a commercial or business transaction with an organization....The dealer should not keep the suppressor [silencer] if no sale is made (§ 571.020.2(2)). MO advisory, 1-25-84

3. Functioning machineguns, short-barreled shotguns and short-barreled rifles which have not been classified as curios or relics may not be transferred in the State of Missouri to residents who have not been licensed by the Secretary of the Treasury pursuant to the 1968 Gun Control Act (§ 571.020.2(5)). MO advisory, 12-17-82

571.060. Unlawful transfer of weapons, penalty.

1. A person commits the crime of unlawful transfer of weapons if he:
 - (1) Knowingly sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to any person who, under the provisions of section 571.070, is not lawfully entitled to possess such;
 - (2) Knowingly * * * or recklessly, as defined in section 562.016, RSMo, sells, leases, loans, gives away or delivers any firearm to a person less than eighteen years old without the consent of the child's custodial parent or guardian; provided, that this does not prohibit the delivery of such weapons to any peace officer or member of the armed forces or national guard while performing his official duty; or
 - (3) Recklessly, as defined in section 562.016, RSMo, sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to a person who is intoxicated.
2. Unlawful transfer of weapons under subdivision (1) of subsection 1 of this section is a class D felony; unlawful transfer of weapons under subdivisions (2) and (3) of subsection 1 of this section is a class A misdemeanor.

571.070. Possession of concealable firearm unlawful for certain persons penalty.

1. A person commits the crime of unlawful possession of a concealable firearm if he has any concealable firearm in his possession and:
 - (1) He has plead guilty to or has been convicted of a dangerous felony, as defined in section 556.061, RSMo, or of an attempt to commit a dangerous felony, or of a crime under the laws of any state or of the United States which, if committed within this state, would be a dangerous felony, or confined therefor in this state or elsewhere during the five-year period immediately preceding the date of such possession; or
 - (2) He is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent.

2. Unlawful possession of a concealable firearm is a class C felony.

571.080. Transfer of concealable firearms without permit unlawful - exceptions - antique firearm defined - permit valid for thirty days - violation, penalty.

1. A person commits the crime of transfer of a concealable firearm without a permit if:

(1) He buys, leases, borrows, exchanges or otherwise receives any concealable firearm, unless he first obtains and delivers to the person delivering the firearm a valid permit authorizing the acquisition of the firearm; or

(2) He sells, leases, loans, exchanges, gives away or otherwise delivers any concealable firearm, unless he first demands and receives from the person receiving the firearm a valid permit authorizing such acquisition of the firearm.

2. A permit to acquire a concealable firearm shall only be valid for thirty days after the issuance thereof.

3. Subsection 1 of this section shall not apply to the acquisition by or transfer of concealable firearms among manufacturers, wholesalers or retailers of firearms for purposes of commerce; nor shall it apply to antique firearms or replicas thereof. The term "**antique firearm**" means any firearm not designed or redesigned for using rimfire or conventional centerfire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

4. Transfer of concealable firearms without a permit is a class A misdemeanor.

571.090. Permit to acquire concealable weapon, requirements, contents - sheriff to issue, when, fee - ineligible persons - denial of permit, content - appeal procedure - form - violation, penalty.

1. A permit to acquire a concealable firearm shall be issued by the sheriff of the county in which the applicant resides, if all of the statements in the application are true, and the applicant:

(1) Is at least twenty-one years of age, a citizen of the United States and has resided in this state for at least six months;

(2) Has not pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

(3) Is not a fugitive from justice or currently charged in an information or indictment with the commission or a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

(4) Has not been discharged under dishonorable conditions from the United

States armed forces;

(5) Is not publicly known to be habitually in an intoxicated or drugged condition: and

(6) Is not currently adjudged mentally incompetent and has not been committed to a mental health facility, as defined in section 632.005, RSMo, or a similar institution located in another state.

2. Applications shall be made to the sheriff of the county in which the applicant resides. An application shall be filed in writing, signed and verified by the applicant, and shall state only the following: the name, social security number, occupation, age, height, color of eyes and hair, residence and business addresses of the applicant, the reason for desiring the permit, and whether the applicant complies with each of the requirements specified in subsection 1 of this section.

3. Before a permit is issued, the sheriff shall make only such inquiries as he deems necessary into the accuracy of the statements made in the application. The sheriff may require that the applicant display a Missouri operator's license or other suitable identification. The sheriff shall issue the permit within a period not to exceed seven days after submission of the properly completed application, excluding Saturdays, Sundays or legal holidays. The sheriff may refuse to issue the permit if he determines that any of the requirements specified in subsection 1 of this section have not been met, or if he has reason to believe that the applicant has rendered a false statement regarding any of the provision in subsection 1 of this section. If the application is approved, the sheriff shall issue a permit and a copy thereof to the applicant.

4. The permit shall recite the date of issuance, that it is invalid after thirty days, the name and address of the person to whom granted, the nature of the transaction, and a physical description of the applicant. The applicant shall sign the permit in the presence of the sheriff.

5. If the permit is used, the person who receives the permit from the applicant shall return it to the sheriff within thirty days after its expiration, with a notation thereon showing the date and manner of disposition of the firearm and a description of the firearm, including the make, model and serial number. The sheriff shall keep a record of all applications for permits, his action thereon, and shall preserve all returned permits.

6. No person shall in any manner transfer, alter or change a permit, or make a false notation thereon, or obtain a permit upon any false representation, or use, or attempt to use a permit issued to another.

7. For the processing of the permit, the sheriff in each county and the city of St. Louis shall charge a fee not to exceed ten dollars which shall be paid into the treasury of the county or city to the credit of the general revenue fund.

8. In any case when the sheriff refuses to issue or to act on an application for a permit, such refusal shall be in writing setting forth the reasons for such refusal. Such written refusal shall explain the denied applicant's right to appeal and, with a copy of the completed application, shall be given to the denied applicant within a period not to exceed seven days after submission of the properly completed application excluding Saturdays, Sundays or legal holidays. The denied applicant shall have the right to appeal the denial within ten days of receiving written notice of the denial. Such appeals shall be heard in small claims court as defined in section 482.300, RSMo, and

the provisions of sections 482.300, 482.310 and 482.335 RSMo, shall apply to such appeals.

9. A denial of or refusal to act on an application for permit may be appealed by filing with the clerk of the small claims court a copy of the sheriff's written refusal and a form substantially similar to the appeal form provided in this section. Appeal forms shall be provided by the clerk of the small claims court free of charge to any person. * * * *

[MISSOURI STATE LAW, § 571.090.9]

SMALL CLAIMS COURT

In the Circuit Court of Missouri
Case Number.....
....., Denied Applicant)
))
vs.)
))
....., Sheriff)
Return Date.....

DENIAL OF PERMIT APPEAL

The denied applicant states that his properly completed application for a permit to acquire a firearm with a barrel of less than sixteen inches was denied by the sheriff of County, Missouri, without just cause. The denied applicant affirms that all of the statements in the application are true.

.....
Denied Applicant

* * * * *

10. The notice of appeal in a denial of permit appeal shall be made to the sheriff in a manner and form determined by the small claims court judge.

11. If at the hearing the person shows he is entitled to the requested permit, the court shall issue an appropriate order to cause the issuance of the permit. Costs shall not be assessed against the sheriff in any case.

12. Any person aggrieved by any final judgment rendered by a small claims court in a denial of permit appeal may have a trial de novo as provided in sections 512.180 to 512.320, RSMo.

13. Violation of any provision of this section is a class A misdemeanor.

* * * *

Publisher's Notes:

1. The following jurisdictions prohibit the sale, possession, or receipt of any type of firearm to or by any of a particular class of persons (e.g., convicted felons, fugitives from justice, illegal aliens, mental incompetents, unlawful drug users and addicts) [An asterisk (*) next to a name indicates another listing]

Belton*
Nevada*
St. Louis*

2. The following jurisdictions restrict the sale, possession, or receipt of firearms, such as destructive devices [i.e., (a) grenades (or other explosive or incendiary devices), or (b) fully automatic weapons, or (c) short-barreled rifles, or (d) short-barreled shotguns, or (e) silencers, or (f) other (specified)] [An asterisk (*) next to a name indicates another listing]

Kansas City*(a),(b)
St. Joseph*(b)
St. Louis*(a),(c),(d),(e)

3. The following jurisdictions restrict the age at which it is lawful for a person to purchase or receive a firearm [An asterisk (*) next to a name indicates another listing]

Aurora
Belton*
Boonville
Bridgeton
Cape Girardeau
Caruthersville
Charleston
Clayton
Crestwood
Dellwood
Excelsior Springs
Florissant
Fulton
Independence
Jennings
Joplin
Kansas City*
Kennett
Ladue
Lee's Summit
Maiden
Maplewood
Marshall
Maryville
Monett
Neosho
Nevada*
St. Charles
St. Louis*
Shrewsbury
Sikeston
Springfield
Warrensburg

Webb

4. The following jurisdictions restrict the sale of firearms [i.e., (a) requirement for a State or local license to sell firearms, or (b) recordkeeping requirements imposed as a condition of lawful sale of firearms, or (c) other (specified)] [An asterisk (*) next to a name indicates another listing]

St. Louis*(a)